

Dated: October 11, 1994.

Jeanette Brown,

Acting Director of Office of Acquisition  
Management.

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[FRL-5111-0]

**Dal-Tile Corporation De Minimis  
Settlement; Proposed Administrative  
Settlement Under the Comprehensive  
Environmental Response,  
Compensation and Liability Act**

AGENCY: Environmental Protection  
Agency.

ACTION: Request for Public Comment.

**SUMMARY:** The United States  
Environmental Protection Agency is  
proposing to enter into a *de minimis*  
settlement pursuant to Section 122(g)(4)  
of the Comprehensive Environmental  
Response, Compensation, and Liability  
Act of 1980, as amended, (CERCLA), 42  
U.S.C. 9622(g)(4). This proposed  
settlement is intended to resolve the  
liabilities under CERCLA of Dal-Tile  
Corporation for response costs  
addressed in the settlement which were  
incurred or may be incurred by the  
United States Environmental Protection  
Agency at the Hunterstown Road Site,  
Adams County, Pennsylvania.

**DATES:** Comments must be provided on  
or before December 22, 1994.

**ADDRESSES:** Comments should be  
addressed to the Docket Clerk, United  
States Environmental Protection  
Agency, Region III, 841 Chestnut  
Building, Philadelphia, Pennsylvania,  
19107, and should refer to: In Re:  
Hunterstown Road Site, Adams County,  
Pennsylvania, U.S. EPA Docket No. III-  
94-49-DC.

**FOR FURTHER INFORMATION CONTACT:**  
Daniel Isaacs (215) 597-4774, United  
States Environmental Protection  
Agency, Office of Regional Counsel,  
(3RC22), 841 Chestnut Building,  
Philadelphia, Pennsylvania, 19107.

**NOTICE OF DE MINIMIS SETTLEMENT:** In  
accordance with Section 122(g)(1) of  
CERCLA, 42 U.S.C. 9622(g)(1), notice is  
hereby given of a proposed  
administrative settlement with Dal-Tile  
Corporation concerning the  
Hunterstown Road Site in Adams  
County, Pennsylvania. The  
administrative settlement was signed by  
the United States Environmental  
Protection Agency, Region III's Regional  
Administrator on September 30, 1994,  
and subject to review by the public  
pursuant to this Notice. The agreement  
is also subject to the approval of the  
Attorney General, United States

Department of Justice or her designee  
and for the grant of a covenant not to  
sue for damages to natural resources, is  
also subject to agreement in writing by  
the Department of the Interior.

Dal-Tile Corporation has agreed to  
pay \$195,663.46 to the United States  
Environmental Protection Agency for  
response costs and \$3,000.00 to the  
Department of the Interior for damages  
to natural resources, subject to the  
contingency that the Environmental  
Protection Agency may elect not to  
complete the settlement based on  
matters brought to its attention during  
the public comment period established  
by this Notice.

EPA is entering into this agreement  
under the authority of Sections 122(g)  
and 107 of CERCLA, 42 U.S.C. 9622(g)  
and 9607. Section 122(g) of CERCLA, 42  
U.S.C. 9622(g), authorizes early  
settlements with *de minimis* parties to  
allow them to resolve their liabilities  
under, inter alia, Section 107 of  
CERCLA, 42 U.S.C. 9607, to reimburse  
the United States for response costs  
incurred in cleaning up Superfund sites  
without incurring substantial  
transaction costs. Under this authority  
the Environmental Protection Agency  
proposes to settle with Dal-Tile  
Corporation at the Hunterstown Road  
Site. The grant of a covenant not to sue  
for damages to natural resources by the  
Department of the Interior is subject to  
agreement in writing by the Department  
of Interior pursuant to Section 122(j) of  
CERCLA, 42 U.S.C. 9622(j).

The Environmental Protection Agency  
will receive written comments to this  
proposed administrative settlement for  
thirty (30) days from the date of  
publication of this Notice. A copy of the  
proposed Administrative Order on  
Consent can be obtained from the  
Environmental Protection Agency,  
Region III, Office of Regional Counsel,  
(3RC22), 841 Chestnut Building,  
Philadelphia, Pennsylvania, 19107 by  
contacting Daniel Isaacs, Assistant  
Regional Counsel, at (215) 597-4774.  
Stanley Lashamuk,  
Acting Regional Administrator, EPA, Region  
III.

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